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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/537,284	Applicant(s) SCIAN ET AL.
	Examiner NINOS DONABED	Art Unit 2444

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on **28 January 2009**.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) **1-9, 14-22, 25-34, 39-47 and 50-55** is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) **1-9, 14-22, 25-34, 39-47, 50-55** is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____

5) Notice of Informal Patent Application

6) Other: _____

Response to Amendment

This action is in response to Applicant's amendment dated 01/28/2009. Claims 11, 7, 22, 29, 40, 41, 47, 51, and 55 have been amended. Claims 1-9, 14-22, 25-34, 39-47 and 50-55 are pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-9, 14-22, 25-34, 39-47 and 50-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chung, (**US Patent Application Publication 2004/0117451 A1**), herein referred to as Chung in view of Milovanovic (United States Patent Application 20030065728) further in view of Entwhistle (United States Patent Application Publication 20020040370).

Regarding **Claims 1, 22, 29, and 47, 54 and 55**,

Chung teaches a system (**See Paragraph [0006]**) for preselecting a folder for a current message, the folder being one of a plurality of folders, the system comprising: an electronic communication device (**See figures 1, and 4-8**)

(a) a storage module on the electronic communication device for storing the plurality of folders; **(See figures 1, 4-8 and Paragraphs [0006] through [0007], a data storage system)**

(b) a communication module on the electronic communication device for receiving or transmitting the current message; **(See Paragraphs [0158] through [0164], a recipient server)**

(c) a folder pre-selection cache on the electronic communication device having n configurable entries, n being a predetermined positive integer greater than one, each configurable entry being configurable to record an associated pre-selection criterion, derived from a message to distinguish the message, for matching with the current message and an associated folder identification for identifying an associated folder in the plurality of folders; **(See figure 1, step 110 and Paragraphs [0158] through [0164], a folder pre-selection cache having n configurable entries)**

(d) a message comparison module operating upon the folder pre-selection cache for comparing a comparison criterion, derived from the current message to distinguish the current message, with the associated pre-selection criterion of at least one entry in the folder pre-selection cache to determine a matching entry in the folder pre-selection cache; and, **(See figure 1, step 110 and Paragraphs [0158] through [0164], a message comparison module)**

(e) a folder selection module operating upon the folder pre-selection cache, for selecting the folder identified by the associated folder identification of the matching entry

when the message comparison (**See figure 1, step 110 and Paragraphs [0158] through [0164], a folder pre-selection module**)

a user-interface means on the electronic communication device for displaying the current message and the pre- selected folder wherein the user-interface means comprises a folder selection module operable by a user, and the folder selection module is operable by the user to allocate the current message to a user selected folder in the plurality of folders; (**See figure 10 E, a user-interface for displaying the current message and the pre-select folder operable by the user is shown, Chung**)

Chung does not explicitly teach a "pre-selection" folder selection module.

Milovanovic teaches a "pre-selection" folder selection module. (**See abstract, figures 1-2, and paragraphs [0013] – [0016], Milovanovic teaches a folder pre-selection cache**)

However, one of ordinary skill in the art at the time the invention was made would have known to combine the teachings of Milovanovic with the system of Chung because both deal with methods which help a user classify emails amongst a number of user created folders. The advantage of incorporating the "pre-selection" folder selection module of Milovanovic with the teachings of Chung is that it will make the selection of folders for an incoming email to be stored more robust and efficient as it will be done automatically.

Entwhistle teaches updating a cache-updating means operating upon the folder pre-selection cache for updating the folder pre-selection cache based on up to n previous messages undergoing folder selection prior to the current message, n being a

positive integer greater than 1, wherein each message in the up to n previous messages is allocated to a user-selected folder in the plurality of folders; (See paragraphs [0007], - [0012], Entwhistle.)

the folder pre-selection cache includes a corresponding configurable entry for each message in the up to n messages; and, (See paragraphs [0022], - [0028], Entwhistle.)

the cache-updating means is operable, for each message in the up to n messages, to update the folder pre-selection cache by configuring the corresponding configurable entry in the folder pre-selection cache such that the associated pre-selection criterion is derived from the message, and the associated folder identification of the corresponding entry identifies a user-selected folder previously selected for the message. (See paragraphs [0007], - [0017], Entwhistle.)

It would have been obvious to one of ordinary skill in the art at the time the invention as made to have known to combine Entwhistle with Chung and Milovanic because both deal with selecting a folder for an incoming email in an email system. The advantage of Entwhistle is that it "reduces amount of time to be spent for retrieving email information by selecting location of document automatically making the system of Chung and Milovanic more robust and efficient." (See paragraphs [0001] – [0007], Entwhistle)

Regarding **Claim 2**,

Chung, Milovanic, and Entwhistle further teach the system as defined in claim 1 wherein when the message comparison module fails to determine the matching entry in the folder pre-selection cache, the folder pre-selection module is operable to select a default folder. **(See Paragraph [0083], if a folder does not exist, the message will be put in the next higher (default) folder, Chung)**

Regarding **Claim 3**,

Chung, Milovanic, and Entwhistle further teach the system as defined in claim 1 further comprising a user-interface means for selectively changing the positive integer n. **(See Paragraph [0084], at least one more folder is created, Chung)**

Regarding **Claim 4**,

Chung, Milovanic, and Entwhistle further teach the system as defined in claim 1 further comprising a cache-updating means for automatically changing the positive integer n based on available storage space in the storage module for the folder pre-selection cache. **(See paragraphs [0021] – [0024], Chung.)**

Regarding **Claim 5**,

Chung, Milovanic, and Entwhistle further teach the system as defined in claim 1 further comprising a designation means for designating a plurality of the current messages, wherein the message comparison module is operable to compare at least one comparison criterion, derived from at least one of the plurality of the current

messages, with the associated pre-selection criterion of at least one entry in the folder pre-selection cache to determine the matching entry in the folder pre-selection cache; and, the folder pre-selection module is operable to pre-select the folder for the plurality of the current messages. (See figures 1-3 and paragraphs [0013] – [0017],
Milovanic)

See motivation for claim 1.

Regarding **Claim 6**,

Chung, Milovanic, and Entwhistle further teach the system as defined in claim 1 wherein the comparison criterion is the current message. (See Figure 1 and Paragraph [0164], the current email message is sorted and categorized into a folder, Chung)

Regarding **Claim 7**,

Chung, Milovanic, and Entwhistle further teach the system as defined in Claim 1, wherein the electronic communication device is a mobile communication device. (See paragraphs [0036] - [0039], Chung.)

Regarding **Claim 8**,

Chung, Milovanic, and Entwhistle further teach the system as defined in claim 7 wherein the current message is from a server and comprises a server-determined folder identifier for identifying a server-determined folder for storing the current message. (See

Paragraphs [0158]-[0161], an application on the received email server checks the mail for a pre-defined folder identifier, Chung)

Regarding **Claim 9**,

Chung, Milovanic , and Entwhistle further teach the system as defined in claim 8 wherein the server-determined folder identifier has an assigned weight, the assigned weight being one of a first weight and a second weight: when the server-determined folder identifier is of the first weight, the server-determined folder is pre-selected if the message comparison module fails to determine the matching entry in the folder pre-selection cache, and the folder identified by the associated folder identification of the matching entry is pre-selected if the message comparison module determines the matching entry in the folder pre-selection cache; and, when the server-determined folder identifier is of the second weight, the server-determined folder is pre-selected.

(See figures 1-3 and paragraphs [0014] – [0018], Milovanic)

See motivation for claim 1.

Regarding **Claim 14**,

Chung, Milovanic , and Entwhistle further teach the system as defined in claim 1 wherein, when a message in the up to n messages is moved from a first folder in the plurality of folder to a second folder in the plurality of folders, the cache-updating means is operable to update the associated folder identification for the corresponding entry

from identifying the first folder to identify the second folder. (See figures 1-3 and paragraphs [0013] – [0017], Milovanic)

See motivation for claim 1.

Regarding **Claim 15**,

Chung, Milovanic , and Entwhistle further teach the system as defined in claim 1 wherein the folder pre-selection cache comprises an entry replacement sub-module for updating the folder pre-selection cache when a new message is allocated to an associated user-selected folder by discarding an existing entry and adding a new corresponding entry for the new message. (See figures 1-3 and paragraphs [0015] – [0019], Milovanic)

See motivation for claim 1.

Regarding **Claim 16**,

Chung, Milovanic , and Entwhistle further teach the system as defined in claim 15 wherein the folder pre-selection cache comprises a time-and-date sub-module for, for each message in the up to n messages, providing a time-and-date indicator to the corresponding entry for indicating when the message was allocated to an associated user-selected folder, and the entry replacement sub-module is operable to update the folder pre-selection cache when the new message is allocated to the associated user-selected folder by discarding the existing entry having an oldest time-and-date stamp. (See figures 1-3 and paragraphs [0013] – [0017], Milovanic)

See motivation for claim 1.

Regarding **Claim 17**,

Chung, Milovanic , and Entwhistle further teach the system as defined in claim 15 further comprising a derivation sub-module for, for each message in the up to n messages, deriving the associated pre-selection criterion from an associated selected attribute of the message; and, deriving the comparison criterion from an associated selected attribute of the current message. **(See figures 1-3 and paragraphs [0013] – [0019], Milovanic)**

See motivation for claim 1.

Regarding **Claim 18**,

Chung, Milovanic , and Entwhistle further teach the system as defined in claim 17 wherein for each message in the up to n messages, and for the current message, the associated selected attribute. of the message comprises one of an associated sender/recipient attribute of the message, an associated subject attribute of the message; a time sent of the message, a message body contents of the message, and a message encoding of the message. **(See figures 1-3 and paragraphs [0014] – [0019], Milovanic)**

See motivation for claim 1.

Regarding **Claim 19**,

Chung, Milovanic, and Entwhistle further teach the system as defined in claim 17 wherein the derivation sub-module comprises a hash determination means for, for each message in the up to n messages, deriving the associated pre-selection criterion from the message by applying a hash function to the associated selected attribute; and, for the current message, deriving the comparison criterion by applying the hash function to the associated selected attribute. (See figures 1-3 and paragraphs [0014] – [0019], **Milovanic**)

See motivation for claim 1

Regarding **Claim 20**,

Chung, Milovanic, and Entwhistle further teach the system as defined in claim 15 wherein each entry in the folder pre-selection cache is ordered according to a search order, the message comparison module is operable to compare the comparison criterion with the associated pre-selection criterion of each entry in the folder pre-selection cache according to the search order to determine a matching entry in the search order having an associated pre-selection criterion matching the comparison criterion; and, the cache-updating means is operable, when the matching entry is not a first entry in the search order and is the user-selected folder, to advance the matching entry within the search order. (See figures 1-3 and paragraphs [0014] – [0019], **Milovanic**)

See motivation for claim 1

Regarding **Claim 21**,

Chung, Milovanic, and Entwhistle further teach the system as defined in claim 15 further comprising a restoration means for, when information is erased from the folder pre-selection cache, substantially restoring the folder pre-selection cache by processing each message in the plurality of folders in chronological order from an oldest message in the plurality of folders to a youngest message in the plurality of folders. (**See figures 1-3 and paragraphs [0012] – [0019], Milovanic**)

See motivation for claim 1

Regarding **Claim 25**,

Chung, Milovanic, and Entwhistle further teach the system as defined in claim 22 further comprising a derivation sub-module for, for each message in the up to n messages, deriving the associated pre-selection criterion from an associated selected attribute of the message; and, deriving the comparison criterion from an associated selected attribute of the current message. (**See figures 1-3 and paragraphs [0014] – [0018], Milovanic**)

See motivation for claim 1

Regarding **Claim 26**,

Chung, Milovanic, and Entwhistle further teach the system as defined in claim 25 wherein for each message in the up to n messages, and for the current message, the associated selected attribute of the message comprises **one of** an associated

sender/recipient attribute of the message, an associated subject attribute of the message, a time sent of the current message, and a message encoding of the message. (See figures 1-3 and paragraphs [0014] – [0019], Milovanic)

See motivation for claim 1

Regarding **Claim 27**,

Chung, Milovanic , and Entwhistle further teach the system as defined in claim 26 wherein the derivation sub-module comprises a hash determination means for, for each message in the up to n messages, deriving the associated pre-selection criterion from the message by applying a hash function to the associated selected attribute; and, for the current message, deriving the comparison criterion by applying the hash function to the associated selected attribute. (See figures 1-3 and paragraphs [0016] – [0019], Milovanic)

See motivation for claim 1

Regarding **Claim 28**,

Chung, Milovanic , and Entwhistle further teach the system as defined in claim 22 further comprising a cache-updating means for updating the folder pre-selection cache based on up to n previously edited attachments stored in the plurality of file folders. (See figures 1-3 and paragraphs [0014] – [0019], Milovanic)

See motivation for claim 1

Regarding **Claim 30**,

Chung, Milovanic , and Entwhistle further teach the method as defined in claim 29 further comprising pre-selecting a default folder for receiving the current message when step (b) fails to determine the matching entry in the folder pre-selection cache. (See Paragraph [0083], if a folder does not exist, the message will be put in the next higher (default) folder, Chung)

Regarding **Claim 31**,

Chung, Milovanic , and Entwhistle further teach the method as defined in claim 29 further comprising changing the positive integer n based on available storage space. (See paragraphs [0021] – [0024], Chung.)

Regarding **Claim 32**,

Chung, Milovanic , and Entwhistle further teach the method as defined in claim 29 further comprising designating a plurality of current messages and pre-selecting the folder for storing the plurality of current messages. (See figures 1-3 and paragraphs [0014] – [0021], Milovanic)

See motivation for claim 1

Regarding **Claim 33**,

Chung, Milovanic , and Entwhistle further teach the method as defined in claim 29 further comprising reviewing the current message for a server-determined folder

identifier having an assigned weight wherein the assigned weight is one of a first weight and a second weight; when the server-determined folder identifier is of the first weight, pre-selecting the server-determined folder if the message comparison module fails to determine the matching entry in the folder pre-selection cache, and pre-selecting the folder identified by the associated folder identification of the matching entry when the message comparison module determines the matching entry in the folder pre-selection, cache; and, when the server-determined folder identifier is of the second weight, pre-selecting the server-determined folder. (See figures 1-3 and paragraphs [0014] – [0019], Milovanic)

See motivation for claim 1

Regarding **Claim 34**,

Chung, Milovanic , and Entwhistle further teach the method as defined in claim 29 wherein the comparison criterion is the current message. (See Figure 1 and Paragraph [0164], the current email message is sorted and categorized into a folder, Chung)

Regarding **Claim 39**,

Chung, Milovanic , and Entwhistle further teach the method as defined in claim 29 wherein, when a message in the up to n messages is moved from a first folder in the plurality of folders to a second folder in the plurality of folders, step (a) further comprises updating the associated folder identification for the corresponding entry from identifying

the first folder to identify the second folder. (**See figures 1-5 and paragraphs [0013] – [0019], Milovanic**)

See motivation for claim 1

Regarding **Claim 40**,

Chung, Milovanic , and Entwhistle further teach the method as defined in claim 29 wherein step (a) further comprises updating the folder pre-selection cache when a new message is allocated to an associated user-selected folder by discarding an existing entry and adding a new corresponding entry for the new message. (**See figures 1-3 and paragraphs [0014] – [0019], Milovanic**)

See motivation for claim 1

Regarding **Claim 41**,

Chung, Milovanic , and Entwhistle further teach the method as defined in claim 40 wherein for each message in the up to n messages, step (a) further comprises providing in the corresponding configurable entry a time-and-date indicator for indicating when the message was message was allocated to an associated user-selected folder, and the folder pre-selection cache is updated when the new message is allocated to the user-selected folder by discarding the existing entry having an oldest time-and-date indicator and adding the new corresponding entry for the new message. (**See figures 1-5 and paragraphs [0014] – [0019], Milovanic**)

See motivation for claim 1

Regarding Claim 42,

Chung, Milovanic , and Entwhistle further teach the method as defined in claim 40 wherein for each message in the up to n messages, the associated pre-selection criterion is derived from an associated selected attribute of the message; and, the comparison criterion is derived from an associated selected attribute of the current message. (See figures 1-3 and paragraphs [0012] – [0016], Milovanic)

See motivation for claim 1

Regarding Claim 43,

Chung, Milovanic , and Entwhistle further teach the method as defined in claim 42 wherein for each message in the up to n messages, and for the current message, the associated selected attribute of the message comprises one of an associated sender/recipient attribute of the message, an associated subject attribute of the message, a time sent of the current message, a message body contents of the current message, and a message encoding of the current message. (See figures 1-3 and paragraphs [0014] – [0019], Milovanic)

See motivation for claim 1

Regarding Claim 44,

Chung, Milovanic , and Entwhistle further teach the method as defined in claim 42 wherein for each message in the up to n messages, the associated pre-selection

criterion is derived from an associated selected attribute of the message by applying a hash function to the associated selected attribute, and the comparison criterion is derived from an associated selected attribute of the current message by applying the hash function to the associated selected attribute. (See figures 1-3 and paragraphs [0014] – [0019], Milovanic)

See motivation for claim 1

Regarding **Claim 45**,

Chung, Milovanic , and Entwhistle further teach the method as defined in claim 29 wherein each entry in the folder pre-selection cache is ordered according to a search order step (b) comprises comparing the comparison criterion with the associated pre-selection criterion of each entry in the folder pre-selection cache according to the search order; and step (c) comprises determining a matching entry in the search order having an associated pre-selection criterion matching the comparison criterion, and pre-selecting the folder identified by the associated folder identification of the first entry; wherein the method further comprises, when the matching entry is not a first entry in the search order and is the user-selected folder, advancing the matching entry within the search order. (See figures 1-5 and paragraphs [0014] – [0019], Milovanic)

See motivation for claim 1

Regarding **Claim 46**,

Chung, Milovanic , and Entwhistle further teach the method as defined in claim 29 further comprising, when information is erased from the folder pre-selection cache, substantially restoring the folder pre-selection cache by, for each message in the plurality of folders in chronological order from an oldest message in the plurality of folders to a youngest message In the plurality of folders, performing steps (a), (b) and (c). (See Paragraph [0073]- [0083], Chung.)

Regarding **Claim 50**,

Chung, Milovanic , and Entwhistle further teach the method as defined in claim 49 further comprising a derivation sub-module for, for each message in the up to n messages, deriving the associated pre-selection criterion from an-associated selected attribute of the message; and, deriving the comparison criterion from an associated selected attribute of the current message. (See figures 1-3 and paragraphs [0014] – [0019], Milovanic)

See motivation for claim 1

Regarding **Claim 51**,

Chung, Milovanic , and Entwhistle further teach the method as defined in claim 47 wherein for each message in the up to n messages, and for the current message, the associated selected attribute of the message comprises one of an associated sender/recipient attribute of the message, an associated subject attribute of the

message, a time sent of the current message, and a message encoding of the message. (See Paragraph [0073]- [0083], Chung.)

Regarding **Claim 52**,

Chung, Milovanic , and Entwhistle further teach the method as defined in claim 51 wherein for each message in the up to n messages, the associated pre-selection criterion is derived from an associated selected attribute of the message by applying a hash function to the associated selected attribute, and the comparison criterion is derived from an associated selected attribute of the current message by applying the hash function to the associated selected attribute. (See Paragraph [0044]- [0054], Chung.)

Regarding **Claim 53**,

Chung, Milovanic , and Entwhistle further teach the method as defined in claim 47 further comprising updating the folder pre-selection cache based on up to n previously edited attachments stored in the plurality of file folders. (See Paragraph [0053]- [0060], Chung.)

Response to Arguments

Applicant's arguments with respect to claim 1-55 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any response to this Office Action should be **faxed** to (571) 272-8300 or **mailed** to:

Commissioner for Patents
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Hand-delivered responses should be brought to
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Randolph Building
401 Dulany Street
Alexandria, Virginia 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NINOS DONABED whose telephone number is (571)270-3526. The examiner can normally be reached on Monday-Friday, 7:30 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/N. D./
Examiner, Art Unit 2444

/Joseph E. Avellino/
Primary Examiner, Art Unit 2446